

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

CIVIL REVISION NO. 123 2006

SINGLE BENCH

PETITIONER

: B.S.P. CO-OPERATIVE SOCIETY

PLAINTIFF

LIMITED

(Registration No.1392 year 1957)

Sector-1, Bhilai- Nagar

Tahsil and District Durg (C.G.)

Through : President

Executive Committee B.S.P. Co-  
Operative Society Limited, Sector-1  
Bhilai- Nagar, Tahsil & District  
Durg (C.G.)

VERSUS

RESPONDENTS

:1 MUNICIPAL CORPORATION BHILAI

(DEFENDANT)

Through : Commissioner

Municipal Corporation Bhilai

Tahsil and District Durg (C.G.)

2. STEEL AUTHORITY OF INDIA  
LIMITED

Through : Managing Director

Bhilai Steel Plant Steel Authority of  
India Limited, Bhilai- Nagar

Tahsil & District Durg (C.G.)



78

// 2 //

3. **NIRMAL SINGH**

S/o. Late Harbans Singh

4. **TIRATH SINGH**

S/o. Late Harbans Singh

5. **AMARJIT SINGH**

S/o. Late Harbans Singh

6. **BALBIR SINGH**

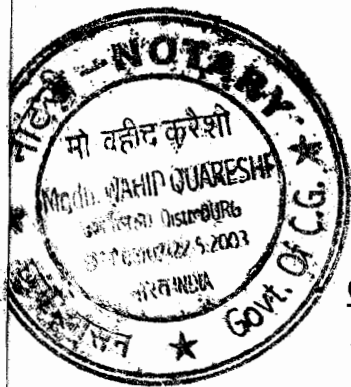
Alias Ballu Singh

S/o. Late Harbans Singh

All respondents 3 to 4 resident of

New-Market Khurshipar, Bhilai

Tahsil and District Durg (C.G.)



CIVIL REVISION U/S. 115 OF THE CODE OF CIVIL  
PROCEDURE

मामला क्रमांक C.R.No. 123/06 सन् 200

## आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक<br>तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अन्तिम आदेश |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
|                                    | <p>06/09/2006</p> <p>Shri V.G. Tamaskar learned counsel for the applicant.</p> <p>Heard on admission.</p> <p>The applicant has filed this revision petition under section 115 of the Code of Civil Procedure as the suit has been dismissed by the trial Court only on the basis of no instructions from the plaintiff.</p> <p>Learned counsel for the applicant fairly concedes that this revision is not maintainable in view of the proviso to section 115 of the CPC and also the judgments of the Supreme Court in the case of <u>Surya Devi Rai Vs. Ram Chander Rai and others</u> reported in (2003) Vol. 6 SCC 675 as well as in the case of <u>Shiv Shakti Coop. Housing Society, Nagpur Vs. Swaraj Developers and others</u> reported in (2003) 6 SCC 659 and therefore, he seeks to withdraw it with liberty to file appropriate proceedings available under the law. He also prays for return of the certified copy of the impugned order.</p> <p>Accordingly, the revision petition is dismissed as withdrawn with liberty as aforesaid. Registry to return the certified copy of the impugned order provided that the counsel for the applicant furnishes an authenticated copy of the same.</p> |                                                           |

Sd/-  
Dhirendra Mishra  
Judge

P.T.O.